

TOWN OF BUCKEYE
REGULAR COUNCIL MEETING

FEBRUARY 1, 2005

MINUTES

Town Council Chambers
100 N. Apache Road
Buckeye, AZ 85326
7:00 p.m.

1. Call to Order/Pledge of Allegiance/Roll Call.

Mayor Hull led the pledge of allegiance and called the meeting to order at 7:00 p.m.

Members Present: Councilman Meck, Councilman Beard, Vice Mayor Urwiller, Mayor Hull, Councilwoman May, Councilman Doster, and Councilman Garza.

Members Absent: None

Staff Present: Carroll Reynolds, Scott Ruby, Linda Garrison, Lucinda Aja, Woody Scoutten, Scott Rounds, Jeanine Guy, Iris Wallace, Dennis Zwagerman, Dee Hathaway, Toni Brown, Ron Brown, Bob Costello, Phil Garthright, Denise Lacey, Kim Sandstrom, Rick Morley, Jason Hardison, David Dubois, and Dave Owens.

2. Comments from the Public – Members of the audience may comment on any item of interest.

There were two requests to address Council. Item 5P by Rachel Aja, and Item 5S by Jon Elford.

Approval of items on the Consent Agenda -There will be no separate discussion of these items unless a Councilmember requests.

CONSENT AGENDA

All items with an (*) are considered to be routine matters and will be enacted by one motion and vote of the Town Council. Vice Mayor Urwiller requested that Item 5D be removed from the consent agenda for discussion. Motion made by Vice Mayor Urwiller and seconded by Councilwoman May to approve Items *3, *4, *5A, *5B, and *5C. Motion passed unanimously.

*3. Council approved the minutes of the January 18, 2005 Regular Council meeting.

*4. Council approved invoices due by the Town for payment. Copies of invoices are available at Town Hall.

5. New Business

*5A. Council approved request from Buckeye Congregation of Jehovah's Witness including a waiver of fees for the use of the Community Center on March 24, 2005.

*5B. Council approved the amended and restated Type 2 Water Right Sublease Agreement with Stardust-Tartesso W-12 Inc. and read by title only.

*5C. Council approved the Final Pay application in the amount of \$17,234.03 inclusive of Change Orders in the amount of \$10,934.03 to Wilson Concrete for work at the Skate Park.

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***5D.** After a brief discussion a motion made by Councilman Beard and seconded by Vice Mayor Urwiller to approve the funding of the appraisal for the parcels known as the "Stander Property" to Wardrop Real Estate Group in an amount not to exceed \$11,500. Motion passed unanimously.

NON CONSENT AGENDA ITEMS

5E. Business License Fees-Mr. Milton Brooks

Mr. Milton Brooks, ice cream truck owner, addressed the Council about Business License fees being lowered or changed to a yearly fee. The current peddler's fee is \$10.00 per day. Mr. Brooks handed out a list of Goodyear, Avondale, and Buckeye peddler's fees. Carroll Reynolds pointed out that Buckeye's current fee has been longstanding and also pointed out that no sales tax is collected. Council requested that more research be done on the issue before any changes are made. No motions were made.

5F. Downtown Market Analysis Request Using \$13,000 of Revitalization Fund and \$13,000 from State Fund Grant

Carroll Reynolds requested to table the request for funds for Revitalization since the grant to help fund it was denied. Motion made by Councilman Beard and seconded by Vice Mayor Urwiller to table until other funds are found. Motion passed unanimously.

5G. Raney House Request-\$45,000 from the Revitalization Fund and \$15,000 from State Fund Grant

Council discussed a need for a second appraisal in order to move forward. Laurie Griffiths indicated that the requested grant in the amount of \$15,000 was denied and that the total of \$60,000 from the Town would be needed. Motion made by Councilman Beard and seconded by Councilwoman May to fund the total amount of \$60,000. Motion passed unanimously.

5H. Ordinance 09-05 Annexation- THATCHER A04-23

Requested by Leroy Thatcher the annexation of approximately one acre generally located west of Rainbow Road (2433 South 227th Avenue) into the Town of Buckeye. Dennis Zwagerman stated that the land owners wanted Buckeye Police protection. Motion made by Vice Mayor Urwiller and seconded by Councilwoman May Council to adopt Ordinance 09-05. Motion passed unanimously.

5I. Ordinance 10-05 Annexation COWLEY A04-24

Requested by Kevin Whitnack, Cowley Companies of approximately 125 acres located at the Northeast quarter of Section 15, Township 1 North, Range 4 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, lying southerly of the South right-of-way line of the interstate Highway 10. Motion made by Vice Mayor Urwiller and seconded by Councilman Beard to adopt Ordinance 10-05 increasing the corporate limits of the Town of Buckeye, Arizona. Motion passed unanimously.

5J. Ordinance 11-05 Rezoning COWLEY RZ04-373

Requested by Kevin Whitnack, Cowley Companies. Motion made by Vice Mayor Urwiller and seconded by Councilman Beard to adopt Ordinance 11-05 amending the Land Use District Map of the Town in that area of approximately 125 acres generally located at the southeast corner of I-10 and Wilson Road from R-43, Maricopa County, to 30 acres Commercial Center, 19 acres General Commerce and 76 acres Planned Community. Motion passed unanimously.

5K. Ordinance 12-05 Silver Rock Community Master Plan Development Agreement SILVER ROCK CMP03-434

Requested by Matt Montgomery of Newport Development on behalf of the Newport Group Management Company L.L.C. Motion made by Vice Mayor Urwiller and seconded by Councilwoman May to table Ordinance 12-05 approving both a Development Agreement and the Community Master Plan for the development of Silver Rock, a Master Plan Community by Newport Development on approximately 1,241 acres of land located in portions of Sections 21, 22, 27 and 28 of Township 1 North, Range 2 West of the

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Gila and Salt River Base and Meridian, authorizing and directing the Mayor to sign the Development Agreement on behalf of the Town and read by title only. Motion passed unanimously.

5L. Ordinance 13-05 Rezoning FER RZ04-362

Requested by Fer Properties consisting of approximately 12 acres. Motion made by Vice Mayor Urwiller and seconded by Councilwoman May to Council to adopt Ordinance 13-05 amending the Land Use District Map of the Town in that area generally located north and east of the intersection of Broadway Road and Apache Road from the Planned Residential to the Commercial Center Land Use District and read by title only. Motion passed unanimously.

5M. Resolution 10-05 Final Plat MILLER MANOR FP01-65

Requested by Manhard Consulting on behalf of Southwestern Investment Group L.L.C. Artie Hauer stated that the groundbreaking would start in March and take approximately two years. Motion made by Vice Mayor Urwiller and seconded by Councilwoman May to adopt Resolution 10-05 approving the Final Plat of a subdivision to be known as "Miller Manor, Phases 1, 2, and 3" located northeast from the intersection of Miller Road and Southern Avenue and also located generally within Section 29, Township 1 South, Range 3 West of the Gila and Salt River Base and Meridian. Motion passed unanimously.

5N. Ordinance 14-05 Community Master Plan Amendment TARTESSO WEST CMPA03-148

Request by Bob Speirs of Stardust Development of the addition of two parcels, totaling approximately 272 acres and subsequent land uses. Councilwoman May discussed her concern with Dennis Zwagerman about lot sizes. Steve Earl stated that the lots were at least 43 feet wide which was the original agreement. The streets were widened to 50 feet and more undeveloped land areas were added. Motion made by Vice Mayor Urwiller and seconded by Councilman Meck to adopt Ordinance 14-05 approving an amendment to the Community Master Plan for the Development known as Tartesso West and read by title only with the stipulation that there will be only 1,270 43' lots in the Tartesso Master Planned Community. Councilman Doster, Councilman Garza, and Mayor Hull voted aye. Councilman Beard and Councilwoman May voted no. Motion Carried.

5O. Ordinance 15-05 Westwind Development Agreement and the Community Master Plan WESTWIND CMP03-110

Motion made by Councilman Meck and seconded by Vice Mayor Urwiller Council to adopt Ordinance 15-05 approving both a Development Agreement and the Community Master Plan for the Development of Westwind, a Master Planned Community by Cavalier Properties, L.L.C. on approximately 807 acres of land located in portions of Sections 15, 16, 21 and 22 of Township 1 North, Range 2 West of the Gila and Salt River Base and Meridian and authorizing and directing the Mayor to sign the Development Agreement on behalf of the Town and read by title only. Motion passed unanimously.

5P. Ordinance 16-05- New Development Impact Fees

Rachel Aja of the Homebuilders Association addressed the Council and thanked them for their involvement in the whole process. Motion made by Councilman Meck and seconded by Councilwoman May to adopt Ordinance 16-05 adopting new Development Impact Fees for Water, Sewer, Streets, Police, Fire and Emergency Medical Services, General Government, Parks and Recreation, and Library for the Town of Buckeye, and read by title only. Motion passed unanimously.

5Q. Ordinance 17-05 Amending the Town Code Section 3-4-1 Purchasing Increasing the Purchase Contract for Services

Town Manager Carroll Reynolds explained that the current limit of \$5,000 was established in the 1980's and should be raised to meet the Town's needs. Councilman Beard indicated that he wanted to be aware of all expenses for the Town. Motion made by Vice Mayor Urwiller and seconded by Councilman Beard to not adopt Ordinance 17-05 amending the Town Code Section 3-4-1 relating to purchasing increasing the purchase or contract for services from \$5,000 to \$10,000 and read by title only. Councilman Meck,

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Councilwoman May, and Mayor Hull voted aye. Councilman Doster and Councilman Garza voted no. Motion carried.

5R. Amendment to Facility Use Contract between Buckeye Elementary School District No. 33 and the Town of Buckeye.

Town Manager Carroll Reynolds reported that the original Facility Use Agreement with the school had specific function uses and time frames and needed to be adjusted to open the building up for other functions. The Amendment would open the building to other uses and will extend the time frame for a five year period. The Town Manager would like to see the building used as a “one stop shop” for the community. Currently one of the buildings is being used for storage. Motion made by Councilman Meck and seconded by Councilwoman May to approve an Amendment to Facility Use Contract between Buckeye Elementary School District No. 33 and the Town of Buckeye. Motion passed unanimously.

5S. License Agreement & Leasing Agreement with BWSS Contracting Inc. dba The Trade Mark Group to Provide Fuel at the Airport

John Elford of the Aircraft Owners and Pilots Association addressed the Council for them to consider reactivating the Airport Advisory Board to insure a secure future for the Buckeye Airport and its ability to service Jets in the future. Motion made by Councilman Meck and seconded by Councilwoman May to award a non-exclusive license agreement and leasing agreement with BWSS Contracting Inc. dba The Trade Mark Group to provide fuel at the Airport and to authorize the Town Manager to sign such agreement. Mayor Hull abstained. Councilman Beard, Vice Mayor Urwiller, Councilman Doster, and Councilman Garza voted aye. Motion Carried.

5T. \$449,093.58 Purchase of New Fire Apparatus

Fire Chief Scott Rounds pointed out that this is actually to add to the existing apparatus instead of purchasing more apparatus. Motion made by Councilman Garza and seconded by Councilman Beard to approve the expenditure of \$449,093.58 from impact fees for the purchase of Fire apparatus to add to existing apparatus. Motion passed unanimously.

5U. Agreement Between the Town and Arizona Public Service for the Purchase of Streetlight Facilities

Finance Director Ron Brown pointed out that the purchase of the 1,341 lights would eliminate rental fees with a 22% return and APS would still maintain them. Motion made by Councilman Meck and seconded by Councilman Doster to Council to approve an agreement between the Town and Arizona Public Service for the purchase of streetlight facilities and, if the agreement is approved, will authorize the Mayor to execute same and to take, along with the appropriate Town officials, all actions necessary to effectuate the agreement. Vice Mayor Urwiller abstained. Councilman Beard, Councilwoman May, Councilman Garza, and Mayor Hull voted aye. Motion carried.

5V. Agreement Between the Town and Arizona Public Service for a Streetlight Pole Use License Agreement

Motion made by Councilman Meck and seconded by Councilman Doster to Council to approve an agreement between the Town and Arizona Public Service for a streetlight pole use license agreement and if the agreement is approved, will authorize the Mayor to execute same and to take, along with the appropriate Town officials, all actions necessary to effectuate the agreement. Vice Mayor Urwiller abstained. Councilman Beard, Councilwoman May, Councilman Garza, and Mayor Hull voted aye. Motion carried.

5W. Agreement Between the Town and Arizona Public Service (“APS”) for APS to Provide Energy for Streetlight Facilities

Motion made by Councilman Meck and seconded by Councilman Doster to Council to approve an agreement between the Town and Arizona Public Service (“APS”) for APS to provide energy for streetlight

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facilities and, if the agreement is approved, will authorize the Mayor to execute same and to take, along with appropriate Town officials, all actions necessary to effectuate the agreement. Vice Mayor Urwiller abstained. Councilman Beard, Councilwoman May, Councilman Garza, and Mayor Hull voted aye. Motion carried.

5X. Agreement Between the Town and Arizona Public Service for Construction and Maintenance of Streetlight Facilities

Motion made by Councilman Meck and seconded by Councilman Doster to Council to approve an agreement between the Town and Arizona Public Service for construction and maintenance of streetlight facilities and, if the agreement is approved, will authorize the Mayor to execute same and to take, along with the appropriate Town officials, all actions necessary to effectuate the agreement. . Vice Mayor Urwiller abstained. Councilman Beard, Councilwoman May, Councilman Garza, and Mayor Hull voted aye. Motion carried.

5Y. Petition-Formation of the Elianto Community Facilities District / Resolution 11-05

Motion made by Councilman Beard and seconded by Councilman Meck to accept a petition received relative to the formation of the Elianto Community Facilities District and to adopt Resolution 11-05 forming such District and entering into a Development, Financing Participation and Intergovernmental Agreement No. 1 with such District, and read by title only. Motion passed unanimously.

6. Town Manager's Report

- Town of Buckeye Bond rating went from BBB+ to A.
- Airport Board is being finalized.
- 5th and 7th Street Project is nearing completion.
- New Skate Park is nearing completion.
- The groundbreaking for the new Recreation Center will be soon.

7. Comments from the Mayor and Council

Councilman Meck - Congratulated staff for the Bond rating jumping 2 places.

Councilman Beard – None

Vice Mayor Urwiller – Congratulated Finance Director Ron Brown for the Bond rating.

Noted that developers would like to have a workshop to go over plans and codes. Longtime resident Earl Warren is leaving the community and will be missed.

Councilwoman May – None

Councilman Doster – Will give a CDBG report next month.

Councilman Garza – Inquired about the 5th and 7th Street completion.

Mayor Hull - None

8. Adjournment.

There being no further business to come before Council moved by Councilwoman May and seconded by Councilman Beard to adjourn the meeting at 8:30 p.m. Motion passed unanimously.

Dustin Hull, Mayor

ATTEST:

Linda Garrison, Town Clerk

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I hereby certify that the foregoing is a true and correct copy of the Council meeting held on the 1st day of February, 2005. I further certify that the meeting was duly called and that a quorum was present.

Linda Garrison, Town Clerk